

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Requests for Review of)	
Decisions of the)	
Universal Service Administrator by)	
)	
Charlton County School System)	File Nos. SLD-658765, <i>et al</i>
Folkston, Georgia, <i>et al</i>)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	
)	
)	

PETITION FOR LEAVE TO FILE
SUPPLEMENT TO PETITION FOR RECONSIDERATION

Lake Pend Oreille School District (“LPOSD”), by its attorney, hereby respectfully requests leave to supplement its pending March 20, 2012 Petition for Reconsideration of a February 23, 2012 *Order*, DA 12-260 (“*Charlton Order*”) of the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau (“Bureau”) which had denied LPOSD’s Petition for Review of the Universal Service Administrative Company’s denial of funding for application #666055 for funding year 2009 and application #736611 for funding year 2010.

After the filing of the Petition for Reconsideration, in *Kings Canyon Unified School District*, DA 12-604, released April 17, 2012, the Bureau clarified its standard concerning site visits relating to the “unique geography” of a school district without violating the Commission’s competitive bidding rules. Indeed, that was the precise situation under consideration here, and

which had formed the basis for the *Charlton Order's* denial of funding. LPOSD respectfully submits that it should be afforded an opportunity to demonstrate that it is entitled to the same relief as in Kings Canyon. For that purpose, the subject Supplement is respectfully proffered herewith.

LAKE PEND OREILLE SCHOOL DISTRICT

By: 
Mark J. Patchick

Womble Carlyle Sandridge & Rice, LLP
1200 Nineteenth Street, NW
Suite 500
Washington, DC, 20036
(202) 857-4400
(202) 467-6910 (fax)
mpalchick@wcsr.com

CC: Universal Service Administrator

July 12, 2012

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
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SUPPLEMENT TO PETITION FOR RECONSIDERATION

Lake Pend Oreille School District (“LPOSD”), by its attorney, hereby respectfully supplements its pending March 20, 2012 Petition for Reconsideration of a February 23, 2012 *Order*, DA 12-260 (“*Charlton Order*”)¹ of the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau (“Bureau”) which had denied LPOSD’s Petition for Review of the Universal Service Administrative Company’s (“USAC”) denial of funding for application #666055 for funding year 2009 and application #736611 for funding year 2010. As demonstrated herein, the facts already presented by LPOSD fall squarely within the standards recently announced for similar situations and thus warrant relief.²

Over time, the Commission’s standards for assessing the impact upon a competitive bidding process of gifts and assistance from a proposed service provider have gradually evolved. Most relevant for the instant matter is the Commission’s Order in *Kings Canyon Unified School*

¹ *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Charlton County School System Folkston, Georgia, et al. Schools and Libraries Universal Service Support Mechanism*, Order, 27 FCC Rcd 2010 (Wireline Comp. Bur. 2012).

² USAC’s reasons for denying funding to LPOSD can be distilled into two categories: (1) LPOSD received improper assistance from the service provider selected by LPOSD; and (2) An employee of LPOSD accepted gifts from the service provider.

District, DA 12-604, released after the *Charlton Order* on April 17, 2012 (“*Kings Canyon Order*”).³ There, USAC had denied funding on the basis of ostensible violations of the FCC’s competitive bidding requirements by accepting gifts from Trillion Partners, Inc. (“Trillion” – the same service provider involved in the LPOSD matter) and by visiting an existing Trillion customer site to determine whether Trillion’s services were feasible for Kings Canyon’s project. The Bureau overturned USAC’s funding denial on both grounds. With respect to the gifts, the Bureau found that Kings Canyon had “complied with the E-rate procedures and rules that existed at the time it selected Trillion as its service provider.”⁴ With respect to the site visit, the Bureau held that Kings Canyon “offered the lowest price and presented a proposal that Kings Canyon believed *accounted for the unique geography of its school district*.”⁵ In light of this most recent guidance, LPOSD respectfully provides this supplement to demonstrate that the relief it seeks is fully consistent with the emerging standards for both of the cited grounds upon which USAC had denied funding.⁶

USAC alleged that LPOSD had violated the Commission’s bidding rules as follows:

- LPOSD engaged in numerous meetings, emails, and/or verbal discussions with Trillion before posting the Form 470 and throughout the bidding process.
- Trillion was consulted and/or offered details about services and products requested on the FCC Form 470 and RFP.
- Trillion assisted in developing service specifications for the FCC Form 470 and/or RFP.

³ *Requests for Review of Decisions of the Universal Service Administrator by Kings Canyon Unified School District Reedley, CA, et al. Schools and Libraries Universal Service Support Mechanism*, Order, 27 FCC Rcd 4084 (Wireline Comp. Bur. 2012) (“*Kings Canyon Order*”).

⁴ *Id.* at 4085, ¶2. With respect to the gift factor, the Bureau referred to its prior Order in *Requests for Review of Decisions of the Universal Service Administrator by Dimmitt Independent School District, et al., Schools and Libraries Universal Support Mechanism*, Order, 26 FCC Rcd 15581 (Wireline Comp. Bur. 2011) (the “*Dimmitt Order*”). Curiously, in n. 1 of the subject *Charlton Order*, the Bureau mentioned the *Dimmitt Order* as a basis for denying relief, even though, as demonstrated at pp. 6-7 of the subject *Petition for Reconsideration* and herein, the *Dimmitt Order* precedent mandates the opposite result.

⁵ *Kings Canyon Order*, 27 FCC Rcd at 4085, ¶2 (emphasis added).

⁶ The *Charlton Order* is virtually silent as to the grounds upon which it ostensibly considered and rejected the various factual and legal arguments that LPOSD had presented in its November 12, 2010 Request for Review. Rather, the Bureau merely cited several generic affirmations of the importance of a fair and open bidding process, the need for dissemination of information independent of a single service provider, and the need for equal access to information and treatment throughout the process. *Charlton Order* at n. 1. For purposes of this Supplement, as with the underlying *Petition for Reconsideration*, we seemingly have no choice but to assume that the Bureau’s grounds were the same as those upon which USAC had denied funding in the first instance.

- LPOSD accepted gifts from Trillion.

In light of the standard of review set in the *Kings Canyon Order* and *Dimmitt Order*, and the facts presented by LPOSD, USAC should not have found that LPOSD violated the FCC bidding rules.

Gifts

The *Kings Canyon Order* and *Dimmitt Order* clarify that the Commission's current gift restrictions that became effective in 2011 do not apply to older cases in which the competitive bidding processes were already completed; rather, older cases are to be evaluated to determine whether the gifts compromised the bidding process.⁷ The specific guidance for that determination is that gifts are to be deemed immaterial if, among other factors, they were "minimal" or "were given to employees with no authority to bind the district to a contract or had no ability to influence the competitive bidding decision."⁸ The evidence presented by LPOSD demonstrated that neither of the two recipients of gifts to LPOSD had the power to enter into contracts on behalf of LPOSD, which was the prerogative solely of the Board of Trustees.⁹ In addition, the gifts were in compliance with Idaho law.¹⁰ Consequently, consistent with the *Kings Canyon Order* and the *Dimmitt Order*, the gifts to LPOSD employees could not form a basis for denial of funding.

The only gift cited by USAC that was not of a patently immaterial amount was payment of the expenses of a visit in May 19-20, 2005 to Canon City, Colorado.¹¹ As previously

⁷ *Kings Canyon Order* at n.1; *Dimmitt Order* at ¶¶ 10 and 12.

⁸ *Dimmitt Order* at ¶ 12.

⁹ See *Declaration of Vickie Pfeifer*, Exhibit 2 to LPOSD's July 14, 2010 letter in response to the June 4, 2010 USAC inquiry letter (attached herein as Exhibit B). Indeed, the Board Chairman (Ms. Pfeifer) stated that she never received any gift, other consideration or communication from Trillion prior to the meeting at which the contract was approved. *Id.*, at ¶¶ 11-12. The applicable Idaho Code provisions clearly specify that the Board of Trustees, as the governing body of a school district, has the sole power to enter into a contract with a service provider. *Id.*, at 12-13. In this instance, the Board delegated authority to the Superintendent, who executed the contract with Trillion that then was duly ratified by the Board. There is no evidence of any contact between Trillion and the Superintendent or any Board member. *Id.*, at 13. See also, the November 16, 2011 response of Lisa Hals to USAC's November 15, 2011 inquiry letter re: Application Number 809906.

¹⁰ LPOSD also previously demonstrated that the gifts received were compliant with Idaho state gifting rules. See *Petition for Reconsideration* at pp. 7-8.

¹¹ Of the other gifts questioned in the June 4, 2010 USAC letter, a May 19, 2005 lunch was valued at \$16.17 per person, another lunch on October 4, 2005 was valued at \$15 per person, and a third lunch on January 26, 2006 was valued at \$12.43 per person. Clearly, all should be deemed minimal, especially in comparison to the meals

explained, the purpose of this trip was to observe how Trillion's services worked for a school district with geographic and weather conditions similar to LPOSD.¹² Trillion's was the only proposal received in response to LPOSD's RFP that responded to this need – and was considerably less expensive than the only competing proposal, which would have covered only a portion of the district. Thus, the Trillion proposal met the express criteria of the *Kings Canyon Order*, as it not only was the lowest-priced but also accounted for LPOSD's unique geography and weather.

The Inference of Improper Assistance

Implicit in the *Charlton Order* is a suggestion that LPOSD received improper assistance from Trillion which, in turn, compromised the integrity of the bidding process. It did not. Applicants with difficult or unique service requirements face a vexing problem. They are required by the FCC's rules to walk a very faint line between conducting a fair and open competitive bidding process, and obtaining enough information to solve their Internet service issues. Unfortunately there is no bright line test or standard that a knowledgeable applicant can follow without fear that funding will be denied.

The Commission has long recognized that some contact between an applicant and a service provider may be necessary. Thus, the FCC stated that service providers may provide information to an applicant about products and services—including demonstrations—before the applicant posts the FCC Form 470 and during the 28-day waiting period, so long as all parties are privy to the same information from the applicant and the communications are consistent with any state or local competitive bidding requirements.¹³ Moreover, at the time that LPOSD was trying

disregarded in the *Dimmitt Order*, which had a total value of \$97. *Dimmitt Order* at ¶¶ 3 and 12. In addition, the June 4, 2010 letter mentioned a June 23-25, 2008 VTEC Conference attended by an LPOSD employee whose expenses were paid by Trillion. Since the Trillion service contract in question was entered into in 2006 and has a term of seven years, clearly the 2008 event could have had no impact upon the competitive bidding for that contract.

¹² *In re: The Matter of Lake Pend Orielle School District*, Request for Review, CC Docket No. 02-6 at 4 (filed November 12, 2010) ("Request for Review"). LPOSD is a school district that covers a large mountainous and forested area for which wired service was not feasible and for which its prior wireless provider had rendered unreliable service that had become a source of great frustration and friction from the district's teachers. *Id.*, at 3-4.

¹³ See *In the Matter of Schools and Libraries Universal Service Support Mechanism and A National Broadband Plan for Our Future*, Sixth Report and Order, 25 FCC Rcd 18762, 18803 at ¶92 (2012) ("Sixth Report and Order"); *Schools and Libraries Universal Service Support Mechanism, A National Broadband Plan for our Future*, Notice of Proposed Rulemaking, 25 FCC Rcd 6872, 6885-6886 at ¶30 (2010) ("E-Rate Broadband NPRM").

to solve its internet service problems USAC had posted on its website training suggestions that recognized that prior contact may be necessary.¹⁴

The litmus tests for improper conduct has always been (i) whether all parties have the same access to information and (ii) whether all parties can bid for the work on an equal footing.¹⁵ The specifics of what might compromise the bidding process are less clear. To date, the Commission has only recognized that the following actions constitute improper bidding assistance:

- If the applicant has a relationship with the service provider that would unfairly influence the outcome of a competition or would furnish the service provider with “insider information.”¹⁶
- If someone other than the applicant or an authorized representative of the applicant prepares, signs, or submits the FCC Form 470 and certification.¹⁷
- If a service provider is listed as the FCC Form 470 contact person and that service provider is allowed to participate in the competitive bidding process.¹⁸
- If the service provider prepares the applicant’s FCC Form 470.¹⁹
- If the service provider participates in the bid evaluation or vendor selection process in any way.²⁰
- If the applicant has an ownership interest in the service provider.²¹
- If FCC Form 470 does not describe the desired products and services with sufficient specificity to enable interested parties to submit responsive bids.²²

¹⁴ USAC website, *Schools and Libraries, Service Providers*, available at <http://www.usac.org/sl/about/training-sessions/training-2003/2003-presentations.aspx> (last visited Sept. 14, 2010).

¹⁵ *Sixth Report and Order*, 25 FCC Rcd at 18803, ¶92.

¹⁶ See, e.g., *In the Matter of Request for Review of a Decision of the Universal Service Administrator by Lazo Technologies, Inc., et al. Schools and Libraries Universal Service Support Mechanism*, Order, 24 FCC Rcd 10675, 10679 at ¶10 (2009) (“Lazo Technologies Order”); see also *Request for Review of the Decision of the Universal Service Administrator by Approach Learning and Assessment Center, et al., Schools and Libraries Universal Service Support Mechanism*, Order, 22 FCC Rcd 5296 (2007) (“Approach Learning Order”).

¹⁷ See, e.g., *In the Matter of Requests for Review of Decisions of the Universal Service Administrator by Caldwell Parish School District, et al.*, Order, 23 FCC Rcd 2784, 2790 at ¶15 (2002); see also *In the Matter of Requests for Review of Decisions of the Universal Service Administrator by Networks and More!, Inc.*, Order, 27 FCC Rcd 2564 (2012), see also *Approach Learning Order*, 22 FCC Rcd at 5303-04, ¶ 19.

¹⁸ See e.g., *In the Matter of Requests for Review of Decisions of the Universal Service Administrator by Mastermind Internet Services, Inc.*, Order, 16 FCC Rcd 4028 (2000).

¹⁹ See e.g., *Caldwell Parish Order* 23 FCC at 2790, ¶15 (2002); see also *Approach Learning Order*, 5303-04, ¶19.

²⁰ See e.g., *Caldwell Parish Order* 23 FCC at 2790, ¶15 (2002); see also *Approach Learning Order*, 5303-04, ¶19.

²¹ See *Request for Review by SEND Technologies, L.L.C. of the Decision of the Universal Service Administrator*, Order, 22 FCC Rcd 4950, 4952-53, para. 6 (2007).

²² See *Request for Review by Ysleta Independent School District of the Decision of the Universal Service Administrator*, Order, 18 FCC Rcd 26407, 26418-26420, ¶¶ 24-28 (2003).

- If the FCC Form 470 describes the desired products and services in so great detail that only one provider can meet terms of the request.²³
- If the applicant advised the service provider what to include in its bid response.²⁴
- If the service provider and applicant discussed other E-rate applicants' RFPs.²⁵
- If the service provider was working to obtain an RFP from another applicant to give to applicant.²⁶
- If the service provider completed its proposal with applicant assistance.²⁷
- If the service provider reviewed and revised the FCC Form 470 and RFP before they were posted.²⁸
- If the service provider assisted in the preparation of the technology plan.²⁹
- If an employee of applicant was hired by service provider who then assisted with preparation of applicant's technology plan.³⁰

Notably, the Commission has made exceptions to these findings that account for the unique circumstances of the filer. For example, in 2008 the Commission waived its competitive bidding rules where a representative of the service provider was listed as an alternate contact person on the Form 470 (typically a violation of the rules), because the contact spoke English and was necessary to assist the school with a language barrier issue.³¹ More recently, in the *Kings Canyon Order*, the Commission determined that a district had not violated the competitive bidding rules when it visited an existing customer site of a service provider to determine whether their service would be feasible, because the visit was necessary due to the unique geography of the school.³²

²³ See *Lazo Technologies Order*, 24 FCC Rcd 10675.

²⁴ *In the Matter of Requests for Review of Decisions of the Universal Service Administrator by Marana Unified School District*, Order, 27 FCC Rcd 1525, 1530 at ¶10 (2012).

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ See *Requests for Review of Decisions of the Universal Service Administrator by Central Islip Free Union School District Central Islip, New York Colorado City Unified School District Colorado City, Arizona Free Library of Philadelphia Philadelphia, Pennsylvania Glendale School District Flinton, Pennsylvania Northwest Arctic Borough School Kotzebue, Alaska Yonkers Public Schools Yonkers, New York Schools and Libraries Universal Service Support Mechanism*, Order, 26 FCC Rcd 8630, 8636 at ¶¶ 13-14 (2011).

³¹ *In the Matter of Requests for Review of Decisions of the Universal Service Administrator by Consorcio de Escuelas y Bibliotecas*, Order, 23 FCC Rcd 15579, 15582 at ¶6 (2008).

³² See *Kings Canyon Order*, 27 FCC Rcd 4084.

When LPOSD's and Trillion's actions are compared to the standards for review set by the FCC, there is no basis for finding a competitive bidding violation. LPOSD did have discussions with Trillion prior to the posting of the FCC Form 470 and during the 28-day waiting period, and those discussions did include demonstrations of how LPOSD's internet needs could be met. However, those discussions did not impede a fair and open competitive bidding process. First, any potential provider could have participated in the discussions which were designed to find a fix to LPOSD's geography and weather issues. Second, like the applicant in *Kings Canyon*, LPOSD selected Trillion because it offered the lowest price, and Trillion's proposal was the only one that accounted for the unique geography and weather conditions of the applicant.³³

The record before the FCC shows:

- In 2004, outgoing LPOSD technology director Gary Carpenter determined that wireless internet access was needed because the district covers a large geographic area, most of which is mountainous and forested;³⁴
- For two years LPOSD tried to find an internet solution that would work and could find no company willing to try to solve the problems presented by the district;³⁵
- By the end of 2005 the problems with the internet (i) made some instructional activities difficult or impossible; (ii) prevented on-line test taking; and (iii) made it difficult or impossible for students to make use of on-line science resources;³⁶
- In early 2005, employees of LPOSD attended a trade show³⁷ attended by Trillion;³⁸
- Trillion was the first and only service provider willing to investigate the geographic problems faced by LPOSD;³⁹
- LPOSD posted a FCC Form 470, which was prepared, by Jim Bangle without the assistance of any vendor or consultant, on the 16th of December 2005 which requested a District-wide high capacity Network;⁴⁰
- The FCC Form 470 referenced an RFP which could be found on LPOSD's website;⁴¹

³³ *Kings Canyon Order*, 27 FCC Rcd at 4085, ¶2.

³⁴ *Request for Review* at 3.

³⁵ *See Request for Review*, Hals Declaration (November 4, 2010).

³⁶ *See Letters from Various School District Employees, various dates January 2006*, Exhibit 5 to LPOSD's July 14, 2010 letter in response to the June 4, 2010 USAC inquiry letter (attached herein as Exhibit C).

³⁷ The LPOSD employee that attended the trade show, Jim Bangle, left the employ of LPOSD on December 31, 2006. A central problem faced by LPOSD in trying to prove compliance with the FCC's rules is that the activities in question occurred seven years ago and nearly five years prior to the first inquiry by USAC.

³⁸ *Request for Review* at 4.

³⁹ *Id.*

⁴⁰ *See Request for Review*, Hals Declaration (November 4, 2010), Exhibit A.

⁴¹ *Id.*

- The RFP posted was detailed enough to allow bidders to understand the needs of the applicant but was not so specific as to favor any particular provider. The RFP requested “a proposal to provide wireless telecommunications services to replace our existing wired frame relay services” and asked that the proposal provide a quote with the following information:
 - “1. Provide wireless telecommunications services between all District schools, the District Office, Special Services and our Maintenance/Transportation facility. (12 net sites, 13 physical). Vendor will provide all hardware, software and labor necessary to provide connectivity at a minimum rate of 15 Mbps.
 - 2. Minimum of AES encryption required.
 - 3. A high capacity, redundant ring backbone with spokes to smaller sites required.
 - 4. Must support all current state of the art converged data/telecom services.
 - 5. Services will include Internet ISP services of not less than 3 Mbps.”⁴²
- Two bids were received in response to the FCC Form 470 and the referenced RFP. One was from Trillion and the other was from Conterra⁴³
- Between January 13 and January 24 2006, Jim Bangle and the applicant’s technology team evaluated the Trillion and the Conterra bids. They found that the Conterra bid did not cover the entire district and that the Trillion bid, which did cover the entire district, was significantly less expensive;⁴⁴
- On January 25, 2006, Jim Bangle reported his findings to Lisa Hals, the business manager for the applicant, and Mark Berryhill, the superintendent for the applicant;⁴⁵
- The applicant’s Trustees met on February 2, 2006 and received the report from Lisa Hals and Mark Berryhill;⁴⁶ and
- At the February 2nd meeting, the Trustees approved awarding the contract to Trillion.⁴⁷

Accordingly, the specific allegations of the FCDLs either were not factually correct or were insufficient to deny funding.

- Although LPOSD engaged in meetings, emails, and verbal discussions with Trillion before posting the Form 470 and throughout the bidding process, such activity did not

⁴² *Id.*

⁴³ *See Request for Review* at 5.

⁴⁴ *See Request for Review*, Hals Declaration (November 4, 2010),

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

violate the Commission bidding rules because all potential bidders were provided an equal opportunity to analyze the needs of the applicant.

- Trillion was consulted on how the special needs of the applicant could be met, but did not offer details about services and products requested on the Form 470 and RFP.
- Trillion did not assist in developing service specifications for the Form 470 and/or RFP.
- LPOSD did accept gifts from Trillion, but such acceptance was in compliance with the FCC and state gift rules in force at the time that Trillion was selected as a vendor and the gift recipients had no ability to impair the competitive bidding process.

The bottom line is that LPOSD twice requested internet service to meet its geographic and weather needs pursuant to an FCC Form 470 and accompanying RFP. The first time in 2005 there was only one responsive bid (Trillion's bid) and a bid that was not responsive and was significantly more expensive (Conterra's bid). The second time in 2010, after Jim Bangle left the employ of the applicant, there were two additional companies that bid. Trillion was still significantly cheaper than any of the other responsive bids⁴⁸.

Where all potential vendors had an opportunity to bid, it is difficult to imagine how the FCC's competitive bidding rules could have been violated. Moreover, where, as was the case in *Kings Canyon*, the applicant has special geographic needs which were addressed only by the successful bid and the successful bid was the lowest price, then the Commission should find that applicant conducted a fair and open bidding process.

Conclusion

In the *Sixth Report and Order* at paragraph 86, the Commission clarified that in order to have a fair and open bidding process, potential bidders and service providers must have access to the same information and must be treated in the same manner throughout the procurement process.⁴⁹ In *Dimmitt* and *Kings Canyon* the FCC recognized that gifts that were given before the *Sixth Report and Order* was adopted do not impede the bidding process if the gifts were given

⁴⁸ Trillion's yearly cost was \$211,512. Fatbeam Core submitted responsive bids of \$223,416 and \$258,215. Conterra submitted a bid of \$296,244. ENA submitted a bid of \$463,320. Sean Cronin, the district's network engineer, reviewed all bids for technical compliance and Lisa Hals reviewed all bids for pricing.

⁴⁹ *Sixth Report and Order*, 25 FCC Rcd 18799-18800, ¶86.

and received in compliance with local law and the recipient did not have the authority to bind the applicant.⁵⁰ Finally, in *Kings Canyon* the FCC recognized that where the successful bid was the lowest bid and met the special needs of the applicant, there was a fair and open bidding process.⁵¹

Throughout the myriad of pleadings submitted by LPOSD it is clear that (i) potential bidders and service providers had access to the same information and were treated in the same manner; (ii) the gifts did not impede the bidding process; and (iii) Trillion's bid was both the lowest and met the perceived special needs of LPOSD. Funding for 2009 and 2010 should be permitted.

In view of the foregoing, we respectfully submit that, with respect to the concern over gifts cited by the Bureau as its basis for denying review, LPOSD meets the criteria clarified in the recent *Kings Canyon Order*. Moreover, the record demonstrates LPOSD's compliance with the other standards that have evolved for determining the fairness of a competitive bidding process. Consequently, when evaluated in that light, and with respect to the rebuttals of the other grounds previously set forth by LPOSD, the underlying Petition for Reconsideration should be granted.

Respectfully submitted,

LAKE PEND OREILLE SCHOOL DISTRICT

By: 
Mark J. Palchick

Womble Carlyle Sandridge & Rice, LLP
1200 Nineteenth Street, NW
Suite 500
Washington, DC, 20036
(202) 857-4400
(202) 467-6910 (fax)
mpalchick@wcsr.com

CC: Universal Service Administrator

July 12, 2012

⁵⁰ *Kings Canyon Order* at n.1; *Dimmit Order* at ¶¶ 10 and 12.

⁵¹ *Kings Canyon Order*, 27 FCC Rcd 4085, ¶2.

EXHIBIT

A

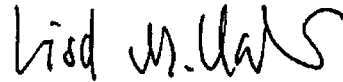
DECLARATION OF LISA HALS

I, Lisa Hals, declare the following:

1. I am the Business Manager for Lake Pend Oreille School District ("LPOSD") and have been in the position since June 15, 2004.
2. I have reviewed the Supplement to Petition for Reconsideration pleading and believe it to accurately convey the facts as presented.

To the best of my knowledge, I state under penalty of perjury that the pleading and the foregoing are true and correct.

July 12, 2012

A handwritten signature in black ink, appearing to read "Lisa Hals", written over a horizontal line.

Lisa Hals
Business Manager
Lake Pend Oreille School District

EXHIBIT B

DECLARATION OF VICKIE PFEIFER

VICKIE PFEIFER hereby deposes and says, pursuant to 28 U.S.C. § 1746:

1. That the statements contained herein are made pursuant to my own personal knowledge and are true and correct to the best of her information.
2. I am the Board Chairperson for the Lake Pend Oreille School District. I have been on the board since 2002.
3. The Board of Trustees of the Lake Pend Oreille School District has the power to enter into contracts on behalf of the School District, or to affirm contracts entered into by the Superintendent.
4. On April 25, 2006, the Board of Trustees, at a regularly scheduled board meeting, affirmed the contract between Lake Pend Oreille School District and Trillion Partners, Inc., which had previously been signed by former Superintendent Mark Berryhill.
5. I do not remember Jim Bangle being present at this meeting.
6. I do not remember Doug Olin making any comments about Trillion.
7. Jim Bangle did not have power to enter a contract for internet service on behalf of Lake Pend Oreille School District.
8. Doug Olin did not have power to enter a contract for internet service on behalf of Lake Pend Oreille School District.
9. Based on information from Lisa Hals and Superintendent Berryhill, the board voted to ratify the contract with Trillion.



10. Prior to the April 25, 2006 board meeting, I became aware that the District was having severe difficulties with the prior internet service provider, so much so that problems with internet service was interfering with classroom instruction. Thus, it was a matter of some importance to find a replacement internet service provider.

11. I do not recall ever having communicated with Trillion Partners or any employees of Trillion Partners, Inc., prior to the April 25, 2006 Board meeting.

12. I have never received any gift, meal, travel expense, or other gratuity from Trillion Partners, Inc.

13. A true and correct copy of the April 25, 2006 board meeting minutes and attached resolution is attached hereto as Exhibit A.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 13 day of July, 2010.


Vickie Pfeifer

BOARD OF TRUSTEES REGULAR MEETING AGENDA

Lake Pend Oreille School District #84

Regular Meeting #252

Southside School, Cocolalla, ID

April 25, 2006

Executive Session: 5:30 * Regular Session: 6:30

I. CALL MEETING TO ORDER

II. EXECUTIVE SESSION – 5:30

Executive Session as provided for in Idaho Code, Title 67, Section 2345, Subsections (a) personnel, (b) personnel/student, (c) negotiation and/or property and (d) litigation.

III. RETURN TO OPEN SESSION – 6:30

A. Pledge of Allegiance

IV. PUBLIC COMMENTS

- A. Anyone wishing to place a public comment on next month's agenda please fill out an *Agenda/Information Request Form* available at the meeting.
- B. Anyone wishing to speak on a non-agenda item may sign up on the roster prior to the beginning of the meeting.

V. EDUCATION

A. Educational Issue – Report from Child Nutrition Program Director

ACTION ITEMS:

VI. CONSENT AGENDA

- A. Approval of MinutesExhibit A
 - 1. April 5, 2006 – Special Meeting #249
 - 2. April 11, 2006 – Regular Meeting #250
 - 3. April 19, 2006 – Special Meeting #251
- B. Approval of HR ReportExhibit B
 - 1. New Hires – Certificated
 - a. Angie Lynn
 - 2. Resignations – Certificated
 - a. Richard Beber
 - b. Mamie Brubaker
 - c. Mark Stevens
 - 3. Retirements – Certificated
 - a. Terry Eggers
 - b. Donna Lang
 - c. Jolene Stewart
 - 4. New Hires – Classified
 - a. Elizabeth Brent
 - 5. Resignations – Classified
 - a. Pamela Elbaum
 - 6. Retirements – Classified
 - a. Jane Hutter



VII. ADMINISTRATION

A. Facilities Committee Update

VIII. BOARD

A. Approval of First Reading of Policy #603.11 – Sick

Leave Sharing ProgramExhibit C

B. Superintendent and Principal Search Update

C. Approval of Resolution #06-07 – Agreement with Trillion

PartnersExhibit D

IX. CALL FOR AGENDA ITEMS FOR NEXT MONTH

X. ANNOUNCEMENTS

XI. RETURN TO EXECUTIVE SESSION

Executive Session as provided for in Idaho Code, Title 67, Section 2345,
Subsections (a) personnel, (b) personnel/student, (c) negotiation and/or property
and (d) litigation.

XII. ADJOURN

Does Your Decision Follow Our Strategic Plan?

Programs * Communications * Logistical Support
****Personnel & Planning***

BOARD OF TRUSTEES REGULAR MEETING AGENDA

Lake Pend Oreille School District #84

Minutes of Regular Meeting #252

Southside School, Cocolalla, ID

April 25, 2006

CALL MEETING TO ORDER

Chairman Pfeifer called the meeting to order at 5:35 PM. A quorum was established with Trustees Pfeifer, Fish, Snider and Youngdahl present. Also present were Superintendent Berryhill, Assistant Administrator Doug Olin and Clerk Julie Menghini.

EXECUTIVE SESSION

Trustee Snider made a motion to move into Executive Session as provided for in Idaho Code, Title 67, Section 2345, Subsections (a) personnel, (b) personnel/student, (c) negotiation and/or property and (d) litigation. Trustee Fish seconded.

The vote was taken on the motion with Trustees voting as follows:

Trustee Fish
Trustee Snider
Trustee Youngdahl
Chairman Pfeifer

Motion carried. Trustee Cameron arrived at 5:40 PM. No final action or decision was made during Executive Session.

RETURN TO OPEN SESSION

Chairman Pfeifer reconvened the meeting in Open Session at 6:40 PM. A quorum was established with Trustees Pfeifer, Cameron, Fish, Snider and Youngdahl in attendance. Also present were Superintendent Berryhill, Assistant Administrator Doug Olin, Clerk Julie Menghini, Principal Pat Valliant, Nutrition Director Bobbie Hass, Principal Becky Kiebert, Principal Anne Bagby and Business Manager Lisa Hals.

Principal Pat Valliant welcomed everyone to Southside School and pointed out the new acoustic tiles that had been purchased and installed during spring break by the school's PTA group.

The Pledge of Allegiance was led by Mr. Valliant.

EDUCATION

Educational Issue – Report from Child Nutrition Program Director – Bobbie Hass gave a review of her department, its objectives and goals. She also pointed out that they participate in the National School Breakfast and the National School Lunch Programs. They also operate a summer food program which offers lunch free of charge to all children ages one to eighteen years old, a federally funded program with no income eligibility required.

Ms Hass said the schools use an "offer versus serve" method when serving meals which helps the budget and reduces waste. She also said the district is a member of the Region 1 buying group to obtain the lowest prices, best quality and have more buying power. She talked about the budget, staff certification, hygiene, safety and health inspections.

She noted that one of the challenges is equipment failure. Ms Hass also talked about the wellness policy and the health issues related to it.

Chairman Pfeifer asked if Steve Lockwood had been on the wellness committee. Trustee Fish said she would serve on the Wellness Policy committee. Chairman Pfeifer also pointed out that the district subscribes to the Idaho School Board Association Model Policy updates and said Ms Hass is welcome to see that to have as a guide.

ACTION ITEMS:
CONSENT AGENDA

- A. *Approval of Minutes*
 - 1. *April 5, 2006 – Special Meeting #249*
 - 2. *April 11, 2006 – Regular Meeting #250*
 - 3. *April 19, 2006 – Special Meeting #251*
- B. *Approval of HR Report*
 - 1. *New Hires – Certificated*
 - a. *Angie Lynn*
 - 2. *Resignations – Certificated*
 - a. *Richard Beber*
 - b. *Mamie Brubaker*
 - c. *Mark Stevens*
 - 3. *Retirements – Certificated*
 - a. *Terry Eggers*
 - b. *Donna Lang*
 - c. *Jolene Stewart*
 - 4. *New Hires – Classified*
 - a. *Elizabeth Brent*
 - 5. *Resignations – Classified*
 - a. *Pamela Elbaum*
 - 6. *Retirements – Classified*
 - a. *Jane Hutter*

Trustee Snider made a motion to approve the Consent Agenda. Trustee Cameron seconded.

Chairman Pfeifer asked for discussion. There being none, the vote was taken with Trustees Pfeifer, Cameron, Fish, Youngdahl and Snider voting aye. Motion carried.

ADMINISTRATION

Facilities Committee Update – Superintendent Berryhill gave a report of the last Facilities Committee meeting. He highlighted the discussion that had taken place at the meeting regarding the community survey and land acquisition.

Superintendent Berryhill explained, since the community survey did not support a bond levy, he highlighted the school plant facility levy (SPFL) options and timelines. He also outlined all the steps and the timeframe for preparing for a levy. He added that the district priorities and support from the survey have remained the same, which are Kootenai School, Sandpoint High School, Sandpoint Middle School and LPOHS as well as land acquisition. He explained that one option was a two-year SPFL for Kootenai School. He said he, Mr. Olin and Ms Hals had met with MGT about plans. He went through the steps that would be necessary for running a levy, whether it is in the fall, in a

year or even two years or more. He shared some examples of schematics from other school districts.

Mr. Olin added information on the schematics that are needed. Superintendent Berryhill pointed out pros and cons of running a levy on the first day of school. He said they need to move forward and do the educational specifications and conceptual design, which would cost \$20,000-\$30,000 to do. He said the Board does not need to make a decision until June if the levy is run on the first day of school next fall. He said he is asking the Board if they approve of the committee moving forward on the educational specifications and schematic design for Kootenai School.

Trustee Cameron said she appreciates the urgency of the plan, but is not interested in considering it until there is a strategic communication plan in place, not just an information plan to sell the levy. Trustee Youngdahl suggested the two plans run parallel. Trustee Fish agreed with the need for the communication plan. Discussion continued. Superintendent Berryhill said they had received a proposal from the Gallatin Group for the communication plan but they do not have the details of the plan yet. Trustee Cameron asked if Gallatin is dragging their feet. Superintendent Berryhill said, no, the district just needs to respond to their proposal.

Chairman Pfeifer noted that if the District even wanted to consider an early September election, the specification drawings need to be started next week. Trustee Fish agreed that the district needs to start moving forward, agreeing that it can run concurrently with the communication plan. Trustee Cameron said the problem is there is not a communication plan in place.

Patron Barb Oler asked about the history of Kootenai School levy. Chairman Pfeifer explained it had been part of a SPFL that was passed in 1985; Kootenai School was the last school and the money had run out. Ms Oler asked about the survey that had been done recently. Superintendent Berryhill said it had 40 questions and 200 people had been surveyed. Chairman Pfeifer added the survey had been done professionally.

Trustee Snider asked if it would be conceivable to prepare a communication plan by the May 9 meeting. Superintendent Berryhill said it would be possible for the district to accomplish this, but he is not sure the Gallatin group could have something ready that soon.

Trustee Cameron said she is not prepared to vote on approval of construction plans without a communication plan. Superintendent Berryhill explained that the intent is not to approve the levy election, but to allow the district to move forward with Kootenai School schematic plans.

Trustee Youngdahl said there is no right answer. He gave points on both sides, arguing that there is not enough information to support running a levy in September or November. He would like to leave open the option to run a bond levy. Discussion continued.

Chairman Pfeifer pointed out the dilemma and she could conceivably see the construction plan working concurrently with the communication plan because the survey already showed support for the Kootenai School project and there was already support for some maintenance items, buses and other things. She said if the district is going to take the small step of finishing Kootenai while continuing to educate on the other issues, then they need to start now. Trustee Cameron said she understands the logic and can go along with getting started as long as she knows there is a communication plan soon.

Superintendent Berryhill said he would come back to the May meeting if that is the Board's wish. Trustee Fish said a levy campaign might be difficult in the summer. Chairman Pfeifer agreed and said we should at least start the schematics. Trustee Cameron agreed it would make sense to start the schematics. Discussion continued about the cost.

Superintendent Berryhill said the committee looked at making elementary schools between 300 to 500 students and adding classrooms to Kootenai to accommodate about 450 students. It would improve things in that school as well as at Farmin Stidwell, and the three portables could be moved to SHS. He added that he certainly understands Trustee Cameron's concerns. He pointed out that his intent tonight was to give the information that had been discussed in the Facilities Committee. Trustee Cameron stressed that she had been expecting the communication plan at tonight's meeting, not the construction plans for Kootenai.

Chairman Pfeifer asked if the Board wanted to wait till the May 9 meeting. She asked about the budget situation. Ms Hals explained the budget, noting the only part of the budget not fully expended is the contingency fund.

Trustee Fish made a motion *that the district proceed concurrently with the communications plan as well conceptual drawings for Kootenai School*. Trustee Snider seconded.

Chairman Pfeifer asked for further discussion. Superintendent Berryhill said that the district would move forward tactfully and thoroughly. Chairman Pfeifer asked if it makes sense to have the drawings started before proposing it to the Gallatin Group. Superintendent Berryhill said he would talk to them the next day and try to meet with them as soon as possible. Trustee Cameron asked what the role of MGT is in this process. Superintendent Berryhill explained it is as a consultant. Trustee Cameron asked why the district needs both MGT as well as Architects West. Superintendent Berryhill explained Architects West creates the drawings and MGT provides the educational specifications and guidance to the district and that they work together.

Chairman Pfeifer asked Ms Hals if it would be necessary to consider other firms. Superintendent Berryhill said the district had used Architects West before. A firm from Pullman was the original architect for Kootenai School. Ms Hals said that MGT and Architects West work together as a team and the district has a level of trust with the firms. Chairman Pfeifer asked for clarification if the preliminary work encumbers the district to use these firms for further work if a levy is passed. Ms Hals supported the use

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April 25, 2006

of the firms, Superintendent Berryhill cautioned it would not be advisable to switch firms in the middle of a project. He explained that the commitment would only be for this one project.

Patron Brenda Woodward commented on the remodel in the school in Coeur d'Alene where she had taught. She suggested the district ask for input from staff of other schools that had used the firms to get beneficial information.

Chairman Pfeifer repeated the motion. The vote was taken with Trustees Pfeifer, Cameron, Snider, Fish and Youngdahl voting aye. Motion carried.

BOARD

Approval of First Reading of Policy #603.11 – Sick Leave Sharing Program – Trustee Snider made a motion to approve Policy #603.11 – Sick Leave Sharing Program. Trustee Cameron seconded.

Ms Hals explained the purpose of the new policy, which was to allow sharing of sick leave among staff.

Chairman Pfeifer asked for discussion. There being none, the vote was taken with Trustees Pfeifer, Cameron, Snider, Fish and Youngdahl voting aye. Motion carried.

Superintendent and Principal Search Update – Chairman Pfeifer announced that the superintendent search is coming to a conclusion this week with interviews all day on Thursday, a public forum in the afternoon and a public reception in the evening at Coldwater Creek and on Friday a lunch in Clark Fork. She highlighted the four candidates that will be coming to town. They are Patrick Charlton from Pocatello, Idaho; Dick Cvitanich from Puyallup, Washington; Jim Norton from Parma, Idaho; and Michael Green from Nine Mile Falls, Washington.

Superintendent Berryhill said there is no report about the principal openings at this time. The positions have not been posted yet, but he anticipates they will be posted soon. Chairman Pfeifer pointed out the positions are the principal at LPOHS and a half time assistant principal at SMS.

Approval of Resolution #06-07 – Agreement with Trillion Partners – Trustee Fish made a motion to approve the Trillion contract for the district's wide area network. Trustee Snider seconded.

Ms Hals said that in order for Trillion to start financing the project, the resolution is necessary. Chairman Pfeifer confirmed that legal counsel had reviewed the agreement and his recommended changes had been made. Ms Hals and Superintendent Berryhill agreed. Chairman Pfeifer asked if all the permits had been obtained for the construction. Superintendent Berryhill said they did not have all permits yet, but with the crane they are able to do the line of sight from tower to tower. Chairman Pfeifer asked if things were moving ahead. Superintendent Berryhill confirmed they are, but there had been about a five week delay due to the road restrictions after the winter.

Chairman Pfeifer asked for further discussion. There being none, the vote was taken with Trustees Pfeifer, Cameron, Fish, Snider and Youngdahl voting aye. Motion carried.

ANNOUNCEMENTS

Ms Kiebert announced that Lake Pend Oreille High School won the outstanding award of the year at the drug prevention conference and said the plaque would be displayed at the school. Chairman Pfeifer offered congratulations to her and the school.

RETURN TO EXECUTIVE SESSION

Chairman Pfeifer reconvened the meeting in executive session. Personnel/student issues were discussed. No final action or decision was made during Executive Session.

RETURN TO OPEN SESSION

Chairman Pfeifer reconvened the meeting in Open Session at 9:10 PM.

Trustee Cameron made a motion *that Student A be denied enrollment at LPOSD84, pending an evaluation by District personnel and/or outside personnel, and a recommendation by those professionals that Student A should enroll and that this can be accomplished without increased threat of harm to other students or staff, with the following conditions:*

- *Recommendations of professional evaluators should be followed or an acceptable explanation provided to school personnel addressing why the recommendation is not reasonable and appropriate.*
- *Releases of information, allowing the professional counselors and the school to exchange information concerning Student A must be completed.*

ADJOURN

There being no further business before the Board, the meeting was adjourned at 9:15 PM.

Attest: Julie Menghini, Clerk

Vickie Pfeifer, Chair

Board Resolution #06-07

A resolution authorizing the negotiation, execution and delivery of the Services Agreement (the "Agreement"), between Lake Pend Oreille District and Trillion Partners, Inc. Austin, Texas; providing for periodic payments of as set forth in the Agreement, each from legally available funds; and prescribing other details in connection therewith.

WHEREAS, Lake Pend Oreille District, (the "Customer") is a public organization duly organized and existing pursuant to the Constitution and laws of the State of Idaho, and

WHEREAS, Customer is duly authorized by applicable law to acquire such items of personal property and services as are needed to carry out its governmental functions and to acquire such personal property and services by entering into services agreements, and

WHEREAS, Customer hereby finds and determines that the execution of a Services Agreement for the purpose of leasing the Equipment and acquiring the services designated and as set forth in the Exhibits to the Agreement is appropriate and necessary to the function and operations of the Customer; and

WHEREAS, Trillion Partners, Inc., Austin, Texas ("Trillion"), duly organized, existing, and in good standing under the laws of the State of Delaware, shall act as vendor under said Agreement; and

WHEREAS, the Agreement shall not constitute a general obligation indebtedness of the Customer within the meaning of the Constitution and laws of the State;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF CUSTOMER:

Section 1. The Superintendent acting on behalf of Customer, is hereby authorized to negotiate, enter into, execute, and deliver the Agreement and related documents in substantially the form as presently before the Board, which Agreement is available for public inspection at the offices of Customer.

Section 2. The Customer's obligations under the Agreement shall be expressly subject to annual appropriation by the Governing Board; and such obligations under the Agreement shall not constitute a general obligation of Customer or indebtedness of Customer within the meaning of the Constitution and laws of the State of Idaho.

Section 3. All other related contracts and agreements necessary and incidental to the Lease are hereby authorized.

Section 4. This resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED this 25th day of April, 2006.

CUSTOMER

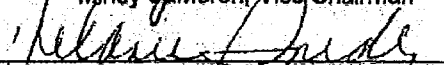
Date: 4/25/06




Vickie Pfeifer, Chairman of the Board



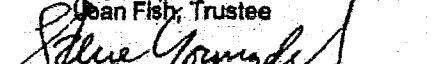
Mindy Cameron, Vice Chairman



Melanie Snider, Trustee



Jean Fish, Trustee



Steve Youngdahl, Trustee


Attest: Julie Menghini, Clerk

EXHIBIT C

January 13, 2006

Dear LPOSD Tech Team:

We here at Sandpoint High School would like to let you know how difficult the past few months have been for us to teach and maintain daily operations without a reliable network. We realize you know that not having the Internet can be an inconvenience, but we thought you might also appreciate a look into how this affects an average day over here at the largest school in the district.

We have a minimal number of labs here at the school. This means that when a teacher schedules time in one, this might be their only chance for awhile. When the network is down, this can alter a teaching unit significantly.

Our counseling department offers online courses during the day. Quite often, these kids have nothing to do since they can't access the classes. What is the point of offering them if we can't access them? Many of these students are also special needs students, and the resources available to them are limited enough as it is. Just today, we lost Internet for part of a class period where tests were being proctored for one of these courses. What made the situation even more hairy was that the tests are due TODAY. Eventually, Luera Holt took the kids to the city library to use their resources.

When sub finder is down, it can make what is already a difficult situation even more difficult. We recently had two staff members dealing with the death of a family member trying to take care of their substitutes over a weekend while everything was down. We have also had several staff members not get their sub instructions to the school because email was down.

As a district and school, we have become almost dependent upon email for communication. When it is down, we are crippled.

Parents and patrons have come to rely on our "Schedule Star" program for sporting events. When we don't have access to this program we cannot update when games have moved, rosters have changed, get directions to schools, pay our referees, etc. Our gym has been leaking the past few weeks and this has been quite the ordeal—Other schools, parents, etc. don't know of game changes.

The sports schedule being down also means our school receptionist, Mindy Stangel, cannot finish the daily bulletin which goes out to not only our school but the community.

As one special education teacher explained: We use the internet every hour of every day, therefore it is EXTREMELY disruptive to our program if we cannot access it. Our support classes revolve around the Internet. We use it to access students' grades, missing assignments, teacher websites for notes, assignments, projects, research. Our curriculum



in support is directly tied to the curriculum in the general ed classes and it is imperative we have access to this information at all times. Sometimes we also need access to this information during IEP meetings.

Imagine 30 eyes watching your screen... you're ready to make an educational point that will change their lives forever... The future of America is ready and eager to learn... and they see:

The page cannot be displayed

The page you are looking for is currently unavailable. The Web site might be experiencing technical difficulties, or you may need to adjust your browser settings.

Please try the following:

- Click the Refresh button, or try again later.
- If you typed the page address in the Address bar, make sure that it is spelled correctly.
- To check your connection settings, click the **Tools** menu, and then click **Internet Options**. On the **Connections** tab, click **Settings**. The settings should match those provided by your local area network (LAN) administrator or Internet service provider (ISP).
- See if your Internet connection settings are being detected. You can set Microsoft Windows to examine your network and automatically discover network connection settings (if your network administrator has enabled this setting).
 1. Click the **Tools** menu, and then click **Internet Options**.
 2. On the **Connections** tab, click **LAN Settings**.
 3. Select **Automatically detect settings**, and then click **OK**.
- Some sites require 128-bit connection security. Click the **Help** menu and then click **About Internet Explorer** to determine what strength security you have installed.
- If you are trying to reach a secure site, make sure your Security settings can support it. Click the **Tools** menu, and then click **Internet Options**. On the Advanced tab, scroll to the Security section and check settings for SSL 2.0, SSL 3.0, TLS 1.0, PCT 1.0.
- Click the **Back** button to try another link.

Cannot find server or DNS Error
Internet Explorer

Thank you for all you do... And thank you for taking the steps necessary to get us a reliable network!

Sincerely,

Sandpoint High School

Fred W. Navels

Cheryl Klein

Tony Coleman

Dan Shook

Sandra Hochman

Mindy Stange

Judy Nelson

Sandra Hunt

Roberta Bostock

John Nitzky

Ed Ball

Ann

Darling

Mary Bird

Terry E. Eggers

Karen J. Muller

Jasie Abels

Alf

Mike McHulty

Jackie DeWitt

Richard A. Behr

Patty Shook

Pat B...

Jan J. Allager

Karen Allager

John Hartley

Tom Barton

"Signatures" via email:

Alex Gray: *Sign me up! Thanks.*

Wendy Auld: *Here here*

Kylie Barr: *Here, here!*

Derek Dickinson: *Here here*

David Miles: *Here, here*

Jim Alsager: *Nice touch with the example.*

Karen Alsager

Woody Aunan: *There there*

Nancy Gregory: *I'm home with a sick kid again today. I say, "here, here!!!!!!!!!!!!!!" Boy am I glad it's working today!!*

Josie Abels: *Here here*

Loraine Robinson: *Here here!*

Casey McLaughlin: *Here, here!*

Jayne Davis: *Here!here!! sign me up ..*

Kathy Holm: *Here-here*

Connie Johnson: *Here! Here!*

Cindy Smith: *Here is my "here, here". They are our internet provider at home because only one with Satellite and we are in direct line to Schweitzer – major problems there too!!!*

Holly Walker: *The network outages TOTALLY affect my days. I continually have to come up with alternate lesson plans 'just in case' the server is down. I also have to lower my standards on acceptable assignments when this happens. If you want any student letters, my classes would be happy to write how this affects their learning. Thanks, Holly*

Gareth Abell

Brian Smith

Heather Morgan: *Add my name...*



KOOTENAI ELEMENTARY SCHOOL

301 Sprague Street • Kootenai, ID 83840
PHONE (208) 255-4076 • FAX (208) 263-4699

Jan. 12, 2006

Jim Bangle
CO

Jim,

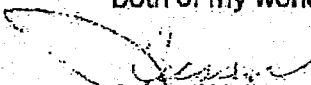
I can't give you the computer name tag off the computer that isn't working because I can't get into it. Ruthie says that the computer is bad when she checked it.

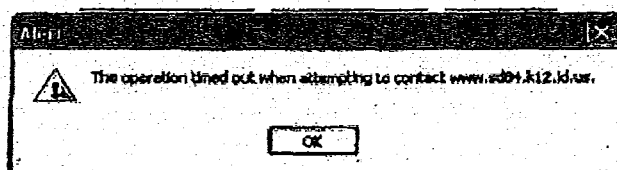
I'm sure you are getting many complaints and I'm also sure that there isn't anything you can do to improve the situation, but our server really is terrible. As far as the libraries are concerned, it brings us to a screeching halt. We have no Destiny or Renlearn.

I'm also having problems with Renplace/quizzes. It is throwing the kids out of the tests saying that they are already taking the test when they haven't even started the test. When you are prompted to restart the test it won't let you. I can get them back in on my computer but the new one won't let us back in. Help! I don't know how to fix this. I do have a call in to RenLearn tech. for help with this.

I surely don't have any answers about our internet service but we can't function this way. I wouldn't want to be in your shoes with everyone coming down on your case.

I appreciate whatever help you come up with. I will greatly appreciate it when both of my wonderful new computers are working right.


Susan Wall
Kootenai Library



Jan 21, 2006

Mr Berryhill, Board of Trustees, Panhandle Alliance for Education:

Jim Bangle is one of most capable people I have ever met and it is simply a pleasure to work with him. I am convinced he has made you well aware of the problem of our present lack of connectivity though I do not understand why no solution has been implemented. Technology is a vital part of my classroom. I have spent thousands of hours developing activities employing today's teaching tools and recently received three successive grants from the ever-generous Panhandle Alliance for Education to spend hundreds of more hours. For the past 24 hours (it is now 7am on Sunday January 21) I have been trying to reach the web server to post practice exam questions for my 130 chemistry students as well as talk to them on the discussion board so they can experience a very positive chemistry final. Earning the respect of my students is my number one priority and this undermines my effort. Unless the connection is reliable my work is totally in vein and the dollars received from the Alliance are not being well spent. In addition I have the pleasure of working with (mentoring) a very innovative group of young science teachers who simply love to work outside the traditional textbook though wonder why a reliable connection is not in place. My hands are tied here. I love what I do though I hate it when I feel time is being wasted. Please consider the absurdity of spending hundreds of thousands of dollars refreshing technology without the most vital piece in place because of a colossal oversight by previous ill-informed personnel. I look forward to an immediate solution.

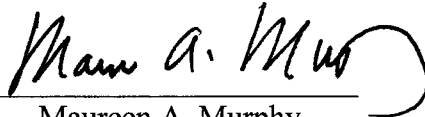
Woody Aunan
Science Chair
SHS

CERTIFICATE OF SERVICE

I, Maureen A. Murphy, hereby declare that copies of the foregoing request for review and waiver were sent via U.S. mail, this 12th day of July, 2012, to the following, as required by section 54.721(c) of the Commission's rules:

Letter of Appeal
Schools and Libraries Division – Correspondence Unit
30 Lanidex Plaza West
P.O. Box 685
Parsipanny, NJ 07054

Henry Rivera, Esq.
Wiley Rein, LLP
1776 K Street, N.W.
Washington, DC 20006



Maureen A. Murphy